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PATENT APPLICATION

ATTORNEY DOCKET NO. 10012975-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Baird, et al.

Confirmation No.: 4830

Application No.: 10/024,964

Examiner: Simitoski, Michael.

Filing Date: 12-18-01

Group Art Unit: 2134

Title: Controlling the Distribution of Information

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TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 3-24-06.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$450

☐ 3rd Month
\$1020

☐ 4th Month
\$1590

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

Baird, et al.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Baird, et al.

Serial No.: 10/024,964

Filed: December 18, 2001

For: **Controlling the Distribution of Information**

Group Art Unit: 2134

Examiner: Simitoski, Michael

Docket No. 10012975-1

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief under 37 C.F.R. § 41.37 is submitted in support of the Notice of Appeal filed March 24, 2006, responding to the Final Office Action mailed December 28, 2006.

It is not believed that extensions of time or fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 08-2025.

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I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no known related appeals or interferences that will affect or be affected by a decision in this Appeal.

III. Status of Claims

Claims 1, 2, 5, 7-11, 14-18, and 21-26 stand finally rejected. No claims have been allowed. The final rejections of claims 1, 2, 5, 7-11, 14-18, and 21-26 are appealed.

IV. Status of Amendments

This application was originally filed on December 18, 2001, with twenty-three (23) claims. In a Response filed October 3, 2005, Applicant amended claims 1, 10, and 17, canceled claims 3, 4, 6, 12, 13, 19, and 20, and added new claims 24-26.

All of the above-identified amendments have been entered and no other amendments have been made to any of claims 1, 2, 5, 7-11, 14-18, and 21-26. The

claims in the attached Claims Appendix (see below) reflect the present state of those claims.

V. Summary of Claimed Subject Matter

The claimed inventions are summarized below with reference numerals and references to the written description (“specification”) and drawings. The subject matter described in the following appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Independent claim 1 describes a method. The method comprises receiving a request for a document. *Applicant’s specification*, page 10, lines 12-13; Figure 3, item 302. The method of claim 1 further comprises identifying a source of the request. *Applicant’s specification*, page 10, lines 13-14; Figure 3, item 304. The method of claim 1 further comprises determining an authorization level associated with the source of the request. *Applicant’s specification*, page 10, lines 17-18; Figure 3, item 306. The method of claim 1 further comprises determining an authorization level required to view the requested document. *Applicant’s specification*, page 10, lines 21-22; Figure 3, item 308. The method of claim 1 further comprises if the source of the request is authorized to view the entire requested document, transmitting the requested document to the source of the request. *Applicant’s specification*, page 10, line 26 to page 11, line 2; Figure 3, item 314. The method of claim 1 further comprises if the source of the request is not authorized to view the entire requested document, redacting unauthorized portions of the requested document by visually blurring the unauthorized portions and transmitting the redacted

version of the requested document to the source of the request. *Applicant's specification*, page 11, lines 2-5; Figure 3, items 316 and 318.

Independent claim 10 describes a method. The method of claim 10 comprises receiving a document. *Applicant's specification*, page 11, lines 7-8; Figure 4, item 402. The method of claim 10 further comprises determining an authorization level required to view the complete received document. *Applicant's specification*, page 11, lines 11-12; Figure 4, item 404. The method of claim 10 further comprises determining an authorization level associated with a current user. *Applicant's specification*, page 11, lines 20-21; Figure 4, item 406. The method of claim 10 further comprises if the current user is authorized to view the complete received document, displaying the received document. *Applicant's specification*, page 11, lines 25-27; Figure 4, item 412. The method of claim 10 further comprises if the current user is not authorized to view the complete received document, redacting unauthorized portions of the received document by visually blurring the unauthorized portions and displaying the redacted version of the document. *Applicant's specification*, page 11, line 27 to page 12, line 4; Figure 4, items 414 and 416.

Independent claim 17 describes a computer-readable media (504; Fig. 5) having stored thereon a plurality of instructions that, when executed by a processor, cause the processor to perform acts. The acts comprise identifying a source of a request for a document. *Applicant's specification*, page 10, lines 13-14; Figure 3, item 304. The acts of claim 17 further comprise determining an authorization level associated with the source of the request. *Applicant's specification*, page 10, lines 17-18; Figure 3, item 306. The acts of claim 17 further comprise determining an authorization level required to view

the entire requested document. *Applicant's specification*, page 10, lines 21-22; Figure 3, item 308. The acts of claim 17 further comprise if the source of the request is authorized to view the entire requested document, transmitting the requested document to the source of the request. *Applicant's specification*, page 10, line 26 to page 11, line 2; Figure 3, item 314. The acts of claim 17 further comprise if the source of the request is not authorized to view the entire requested document, redacting unauthorized portions of the requested document by visually blurring the unauthorized portions and transmitting the redacted version of the requested document to the source of the request. *Applicant's specification*, page 11, lines 2-5; Figure 3, item 316 and 318.

VI. Grounds of Rejection to be Reviewed on Appeal

The following ground of rejection is to be reviewed on appeal:

Claims 1, 5, 7-11, 14-18, and 21-26 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Brown, et al. ("Brown," U.S. Pat. No. 6,892,201).

VII. Arguments

The Appellant respectfully submits that Applicant's claims are not anticipated under 35 U.S.C. § 102 and respectfully requests that the Board of Patent Appeals overturn the final rejections of those claims at least for the reasons discussed below.

A. Claim Rejections - 35 U.S.C. § 102(e)

Claims 1, 5, 7-11, 14-18, and 21-26 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Brown, et al.* ("Brown," U.S. Pat. No. 6,892,201). Applicant respectfully traverses this rejection.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the Brown reference. Applicant discusses the Brown reference and Applicant's claims in the following.

1. The Brown Disclosure

Brown discloses apparatus and methods for providing access rights information in a portion of a file. *Brown*, Patent Title. In particular, Brown discloses a system in which a client device may request content from a server using a web browser and, in response, the server provides all requested content along with access rights information (ARI) to the web browser. *Brown*, column 4, lines 7-16. Upon receiving the requested content and the ARI, the web browser parses the content to limit the client's rights in relation to the content. *Brown*, column 4, lines 16-19.

As is further disclosed by Brown, the ARI can specify how the quality of an image contained within the content is to be affected, if at all. *Brown*, column 7, lines 16-23. For

example, image quality can be degraded if the user has limited rights in relation to an image.

Brown, column 7, line 61 to column 8, line 3.

2. Applicant's Claims

As noted above, *Brown* fails to teach several of Applicant's claim limitations.

Applicant discusses some of those claim limitations in the following.

(a) Claims 1, 2, 5, 7-9, and 24

Applicant's claim 1 provides as follows (emphasis added):

1. A method comprising:
receiving a request for a document;
identifying a source of the request;
determining an authorization level associated with the source of the request;
determining an authorization level required to view the requested document;
if the source of the request is authorized to view the entire requested document, transmitting the requested document to the source of the request; and
if the source of the request is not authorized to view the entire requested document, *redacting unauthorized portions of the requested document by visually blurring the unauthorized portions and transmitting the redacted version of the requested document to the source of the request.*

As is apparent from the above, claim 1 describes a method in which a request for a document is received from a requesting "source" and a determination is made as to whether

an un-redacted version or a redacted version of the document should be transmitted to the requesting source. In contradistinction, as discussed above, Brown only teaches a system in which an un-redacted version of a requested document is transmitted to the requesting device (or requesting “source”) and the redaction determination is made by a web browser that runs on the requesting device. Specifically, Brown states:

Upon receiving the requested document, the web browser application parses the content to determine how to present the content on the client device.

Brown, column 4, lines 16-19 (emphasis added).

In view of the above, Brown cannot be said to teach “redacting unauthorized portions of the requested document by visually blurring the unauthorized portions and transmitting *the redacted version* of the requested document to the source of the request” as is explicitly required by claim 1 (emphasis added). In particular, Brown teaches transmitting an *un-redacted version* of the requested document, i.e., the entire document, to the requesting device. It is the requestor’s web browser that then performs redacting, if at all. Applicant reiterates that anticipation requires the disclosure in a single prior art reference of *each and every element* of the claim under consideration. Given that Brown does not teach at least the “redacting unauthorized portions” limitation discussed above, Brown does not anticipate claim 1 under 35 U.S.C. § 102. Accordingly, Applicant’s claims 1, 2, 5, 7-9, and 24 are allowable over Brown.

Turning to the Advisory Action, the Examiner argues that “if the source of the request is the user, and therefore the visually blurred portions are transmitted to the source of the request when the user sees the visually blurred portions.” *Advisory Action*,

page 2. Applicant objects to that reasoning because the Examiner's interpretation of the term "transmitting" is unwarranted both by the plain and ordinary meaning of the term and the meaning of the term as defined by Applicant's specification.

As to the plain and ordinary meaning of the phrase "transmitting the redacted version of the requested document to the source of the request", no person having ordinary skill in the relevant art would take the phrase to encompass displaying the document in a browser to a user. Specifically, merely displaying a document in a browser is not "transmitting" the image to the user any more than two persons having a face-to-face conversation constitutes "transmitting" speech to each other. Therefore, to equate the terms "transmitting" and "displaying" in this context is to assign a definition to the term "transmit" that is contrary to the plain and ordinary meaning of the term as understood by persons having ordinary skill in the art.

As for the definition provided by Applicant, Applicant's specification clearly indicates what is meant by "transmitting" a redacted version of a requested document to the source of the request, and nowhere does that meaning encompass merely displaying the document to a user. In particular, Applicant explicitly describes a first computer (i.e., server 102) transmitting a redacted version of a document to a second computer (i.e., client computer 108):

If the source of the request is not authorized to received a complete version of the requested document, the server redacts the unauthorized portions of the document (block 316) and transmits the redacted version of the document to the source of the request (block 318).

Applicant's specification, page 11, lines 2-5 (emphasis added). Applicant further notes that the “source of the request” is described on page 10, lines 15-16 as “a client computer system.” Accordingly, Applicant expressly defines “transmitting” consistent with the plain and ordinary meaning of the term to identify a transmission from one device to another. Applicant notes that it is well established in the law that claim terms are to be *interpreted in light of the specification*. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 34 USPQ2d 1321 (Fed. Cir. 1995)(in banc), *aff'd*, 517 U.S. 370, 38 USPQ2d 1461 (1996) (“Claims must be read in view of the specification, of which they are a part”). Therefore, the Examiner cannot assign a definition to the term “transmitting” that is contrary to Applicant’s express definition.

Therefore, in summary, the Examiner’s over broad interpretation of the term “transmitting” results not from that plain and ordinary meaning of the term or the definition provided by Applicant, but instead from a desire to force the language of Applicant’s claims to read on Brown’s disclosure. Because that interpretation is unwarranted, the rejection is improper.

The Examiner further argues in the Advisory Action that “the ordering of the steps must be recited explicitly for the ordering to be read as a limitation” and, therefore, it is not significant that Brown’s server does not redact the document and then transmit the redacted document. *Advisory Action*, page 2. To the contrary, Applicant asserts that the order of the steps is indicated in claim 1. In particular, Applicant explicitly claims: “redacting unauthorized portions of the requested document . . . and transmitting *the redacted version* of the requested document to the source of the request” (emphasis added). Clearly, “redacting” cannot occur subsequent to “transmitting” in the above

phrase given that Applicant explicitly recites transmitting “the redacted version” of the document. In other words, a “redacted version” of the document cannot possibly be transmitted until redacting has occurred. Therefore, contrary to that alleged by the Examiner, claim 1 explicitly requires that redacting occurs *and then* transmitting occurs.

(b) Claims 10, 11, 14-16, and 25

Applicant’s claim 10 provides as follows (emphasis added):

10. A method comprising:
receiving a document;
determining an authorization level required to view the complete received document;
determining an authorization level associated with a current user;
if the current user is authorized to view the complete received document, displaying the received document; and
if the current user is not authorized to view the complete received document, redacting unauthorized portions of the received document by visually blurring the unauthorized portions and displaying the redacted version of the document.

As is described above, Brown’s server determines the authorization level required to view the document (i.e., web page), and the server provides the document along with access rights information (ARI) to a web browser. Brown, column 4, lines 7-16. The web browser then determines if any redaction is to be performed in view of the ARI. Brown, column 4, lines 16-19.

In view of the above process, Brown at least does not teach “receiving a document”, “determining an authorization level required to view the complete received document”, and “determining an authorization level associated with a current user”. In particular, Brown’s web browser, which “receives” the document, does not “determine an authorization level” required to view the complete document or the current user given that that determination *has already been made by Brown’s server*. Therefore, Brown cannot be said to teach each and every limitation of claim 10. Claims 10, 11, 14-16, and 25 are allowable over the Brown reference for at least that reason.

Turning to the Advisory Action, the Examiner argues that “no recitation is made to the components performing the actions in claim 10.” *Advisory Action*, page 2. Applicant agrees that no components are explicitly identified in claim 10. However, that fact is irrelevant given that the explicit recitations of claim 10 require that the component, whatever it may be, that “receives” the document makes the “determination” as to authorization level. We know this because claim 10 explicitly states determining an authorization level required to view the “received document”. Obviously, no determination can be made as to a “received document” if the document were not previously “received.” In Brown’s system, the component that “receives” the document is the web browser, and that web browser makes no redaction “determination.” As a further matter, nowhere does Brown state that the “server” receives the document. Moreover, even if it were assumed that Brown’s server at some time “receives” the document, nowhere does Brown state that the server “redacts” the document or “displays” it to the user. Again, those actions are performed by Brown’s web browser.

In view of the above, the difficulties with the Examiner's arguments stem from the simple fact that, as with claim 1, Brown does not teach a method that includes the actions recited by Applicant.

(c) Claims 17, 18, 21-23, and 26

Applicant's claim 17 provides as follows (emphasis added):

17. A computer-readable media having stored thereon a plurality of instructions that, when executed by a processor, cause the processor to perform acts comprising:

identifying a source of a request for a document;

determining an authorization level associated with the source of the request;

determining an authorization level required to view the entire requested document;

if the source of the request is authorized to view the entire requested document, transmitting the requested document to the source of the request; and

if the source of the request is not authorized to view the entire requested document, *redacting unauthorized portions of the requested document by visually blurring the unauthorized portions and transmitting the redacted version of the requested document to the source of the request.*

Claim 17 is allowable over the Brown reference for at least the same reasons as those described above in relation to claim 1. Specifically, Brown does not actually teach "transmitting the redacted version of the requested document to the source of the request" by merely describing displaying a redacted document to a user with a browser.

Furthermore, as in claim 1, the order of the “steps” of claim 17 is in fact indicated in claim 17. Accordingly, Applicant’s claims 17, 18, 21-23, and 26 are also allowable over the Brown reference.

(d) Conclusion

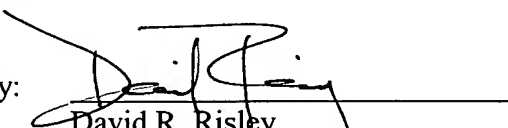
Due to the shortcomings of the Brown reference described in the foregoing, Applicant respectfully asserts that Brown does not anticipate Applicant’s claims. Therefore, Applicant respectfully requests that the rejection of these claims be overturned.

VIII. Conclusion

In summary, it is Applicant's position that Applicant's claims are patentable over the applied prior art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicant's pending claims.

Respectfully submitted,

By:


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4-28-06
Mary Miley

Claims Appendix under 37 C.F.R. § 41.37(c)(1)(viii)

The following are the claims that are involved in this Appeal.

1. A method comprising:
receiving a request for a document;
identifying a source of the request;
determining an authorization level associated with the source of the request;
determining an authorization level required to view the requested document;
if the source of the request is authorized to view the entire requested document,
transmitting the requested document to the source of the request; and
if the source of the request is not authorized to view the entire requested
document, redacting unauthorized portions of the requested document by visually
blurring the unauthorized portions and transmitting the redacted version of the requested
document to the source of the request.
2. A method as recited in claim 1 wherein determining an authorization level
required to view the requested document includes determining a plurality of required
authorization levels, wherein each required authorization level is associated with a
different portion of the requested document.

3-4. (Canceled)

5. A method as recited in claim 1 wherein the requested document includes an image, and wherein the image has an associated required authorization level.

6. (Canceled)

7. A method as recited in claim 1 wherein identifying a source of the request includes identifying a user ID associated with the source of the request.

8. A method as recited in claim 1 wherein determining an authorization level required to view the requested document includes determining an authorization level required to view the complete requested document.

9. A method as recited in claim 1 wherein determining an authorization level required to view the requested document includes determining an authorization level required to view at least a portion of the requested document.

10. A method comprising:
receiving a document;
determining an authorization level required to view the complete received document;
determining an authorization level associated with a current user;
if the current user is authorized to view the complete received document,
displaying the received document; and

if the current user is not authorized to view the complete received document, redacting unauthorized portions of the received document by visually blurring the unauthorized portions and displaying the redacted version of the document.

11. A method as recited in claim 10 wherein determining an authorization level required to view the received document includes determining a plurality of authorization levels, wherein each of the plurality of authorization levels is associated with a different portion of the received document.

12-13. (Canceled)

14. A method as recited in claim 10 wherein the received document contains an image, and wherein the image has an associated authorization level required to view the image.

15. A method as recited in claim 14 further comprising displaying the image if the current user is authorized to view the image.

16. A method as recited in claim 14 further comprising redacting the image if the current user is not authorized to view the image.

17. A computer-readable media having stored thereon a plurality of instructions that, when executed by a processor, cause the processor to perform acts comprising:

identifying a source of a request for a document;

determining an authorization level associated with the source of the request;

determining an authorization level required to view the entire requested document;

if the source of the request is authorized to view the entire requested document, transmitting the requested document to the source of the request; and

if the source of the request is not authorized to view the entire requested document, redacting unauthorized portions of the requested document by visually blurring the unauthorized portions and transmitting the redacted version of the requested document to the source of the request.

18. A computer-readable media as recited in claim 17 wherein determining an authorization level required to view the requested document includes determining a plurality of required authorization levels, wherein each required authorization level is associated with a different portion of the requested document.

19-20. (Canceled)

21. A computer-readable media as recited in claim 17 wherein identifying a source of the request includes identifying a user ID associated with the source of the request.

22. A computer-readable media as recited in claim 17 wherein determining an authorization level required to view the requested document includes determining an authorization level required to view the complete requested document.

23. A computer-readable media as recited in claim 17 wherein determining an authorization level required to view the requested document includes determining an authorization level required to view at least a portion of the requested document.

24. The method of claim 1, wherein determining an authorization level associated with the source comprises determining whether a viewing fee has been paid.

25. The method of claim 10, wherein determining an authorization level associated with a current user comprises determining whether a viewing fee has been paid by the user.

26. The system of claim 17, wherein determining an authorization level required to view the entire requested document comprises determining whether an viewing fee has been paid.

Evidence Appendix under 37 C.F.R. § 41.37(c)(1)(ix)

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix under 37 C.F.R. § 41.37(c)(1)(x)

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.